

Attorney Docket No. 2481.1767
Application No.: 10/014,472

REMARKS

Reconsideration and reexamination of this application are respectfully requested.

A. Interview

Applicants thank Examiner Lewis for the courtesy extended to their representatives during a telephone interview on October 25, 2004.

B. Status of the Claims

The listing of claims presented herein cancels claims 19-25 and adds new claims 26-30. Claims 1 and 3 have been amended. Support for the amendments to claims 1 and 3 can be found, for example, in paragraph 13. Claim 3 has been rewritten in independent form. New claims 26-30 are similar to claims 4-8, but depend from claim 3. Support for new claims 26-30 can be found, for example, in original claims 2-8 as filed. The amendments do not add new matter. Claims 1, 3-8, and 26-30 are pending in this application.

The amendments to the claims are made without prejudice to, or disclaimer of, the subject matter recited in the claims prior to amendment. Applicants reserve the right to prosecute claims directed to the cancelled subject matter in continuation and/or divisional applications.

C. The Yeda Reference Does Not Anticipate the Claims

The Office has rejected claims 1 and 3-8 under 35 U.S.C. § 102(b), as allegedly anticipated by WO 92/19249 ("Yeda"). According to the Office, Yeda discloses the

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administration of low molecular weight heparin compositions, including enoxaparin compositions, for treatment of pathological processes involving the induction of TNF- α secretion. Applicants respectfully traverse this rejection.

Yeda can only anticipate Applicants' claims if the reference discloses each and every element of the claims. See *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. During the telephone interview, Examiner Lewis stated his belief that the recitations of a method of treating a "degenerative joint disorder" or "connective tissue disorder" in claim 1 may read on certain disclosure regarding treatment of rheumatoid arthritis in Yeda. Applicants do not necessarily agree, and reserve the right to prove otherwise. Nevertheless, Applicants have amended claim 1 to no longer recite "degenerative joint disorder" or "connective tissue disorder". As amended, claim 1 recites "[a] method of treating . . . one or more of a wound healing disturbance, a disorder of the locomotor system, and a disturbance of bone metabolism." Yeda does not disclose a method of treating any of these disorders. Accordingly, Applicants request that the Office withdraw this rejection as to claims 1, and 4-8, which depend from claim 1.

Applicants have also amended claim 3. As amended, claim 3 recites "[a] method of treating . . . one or more of osteoarthritis, spondylosis, chondrolysis, collagenosis, arthropathies, and myalgias." Yeda does not disclose a method of treating any of these disorders. Accordingly, Applicants request that the Office withdraw this rejection as to claim 3, and claims 26-30, which depend from claim 3.

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D. Claims 19-25 Satisfy the Written Description Requirement

Claims 19-25 have been rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully disagree. However, to expedite prosecution of this patent and to further the business interests of the applicant, claims 19-25 have been cancelled herein. As the rejection is moot, Applicants request that it be withdrawn.

E. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims 1, 3-8, and 26-30.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By:



Lauren Stevens
Reg. No. 36,691